

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 7th day of October, 2013 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT:	Adan Chapa	Mayor
	Phillip Hyatt	Mayor Pro Tempore
	Ramiro Gomez	Council Member
	Billy Ellis	Council Member
	Vickie Abrego	Council Member

ABSENT:

ADMINISTRATIVE PERSONNEL PRESENT:	Allen Lawrence	City Attorney
	Sylvia Carrillo	City Manager
	Yvonne Stonebraker	City Secretary

ADMINISTRATIVE PERSONNEL ABSENT:

STAFF PRESENT:	Amanda Torres	Administrative Assistant
	Jacob Ostrom	APAC Assistant Director
	Jon Pierre Gonzales	Head Meter Reader
	Eric Blanchard	Chief of Police
	Michael Holmes	Building Official
	Jeff Martin	IT Director
	Paul Alvarado	Public Works Director
	Donna Cox	Interim Finance Director
	Rick Kilgore	Fire Chief
	Ryan Stacy	Firefighter

OTHERS PRESENT: David Underbrink, Jeanie & Donald Brummett, Annita West, Lupe Torres, Dwight Ross, Dennis Peacock, Ernie & Olivia Torres, Thomas J. Estes, Mike Reeves, Rosemary Vega, Capt. Tom Doran, Carol Salinas, Mike & Jan Moore, M. Eulitz, K. Steele, Estela Torres, Patsy Lawrence

There may have been others present who did not sign in.

1. **CALL MEETING TO ORDER.**

Mayor Chapa called the meeting to order at 7:00 P.M. on October 7, 2013.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Chapa gave the invocation and led the Pledge of Allegiance to the United States Flag.

3. **CONSENT AGENDA.**

- A. **CONSIDER AND ACT ON ORDINANCE NO. 2013-4044, AN ORDINANCE AMENDING THE ARANSAS PASS CODE OF ORDINANCE CHAPTER 5 – BUILDINGS AND CONSTRUCTION; ARTICLE 1 – IN GENERAL; SECTION 5-2 – AMENDMENTS TO AND MODIFICATIONS OF BUILDING CODE; 1.B. BUILDING**

PERMIT FEES INCREASING THE AMOUNT OF BUILDING PERMIT FEES AND ADDING SUBSECTIONS I. AND J.; PROVIDING A REPEALER CLAUSE; AND, PROVIDING FOR AN EFFECTIVE DATE.

- B. CONSIDER AND ACT ON ORDINANCE NO. 2013-4045, AN ORDINANCE AMENDING THE ARANSAS PASS CODE OF ORDINANCES CHAPTER 29 – UTILITIES; ARTICLE 1 – IN GENERAL BY ADDING SECTION 29-11 “FIRE SAFETY FEE”, AND SECTION 29-12 “DEFINITION OF UTILITIES”; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. CONSIDER AND ACT ON ORDINANCE NO. 2013-4046, AN ORDINANCE AMENDING THE ARANSAS PASS CODE OF ORDINANCES CHAPTER 25.7 “SOLID WASTE”; SECTION 25.7-43 – DISPOSAL OF NATURAL DEBRIS AND BULK ITEMS AT CITY CITIZEN COLLECTION STATION; BY ADDING SUBSECTION (C) ASSESSING A FEE FOR SERVICES AND PROVIDING FOR AN EFFECTIVE DATE.
- D. CONSIDER AND ACT ON ORDINANCE NO. 2013-4047, AN ORDINANCE AMENDING THE CITY OF ARANSAS PASS CODE OF ORDINANCES CHAPTER 9 – FIRE PROTECTION AND PREVENTION; ARTICLE 2 – FIRE PREVENTION CODE; SECTION 9-20 – ADOPTION OF FIRE PREVENTION CODE BY ADDING SECTION 9-20 (A) PROVIDING FOR AN ANNUAL INSPECTION OF ALL COMMERCIAL ESTABLISHMENTS; PROVIDING A REPEALER CLAUSE; AND PROVIDING, FOR AN EFFECTIVE DATE..

Council Member Ellis made a motion to approve the consent agenda. Council Member Abrego seconded the motion and the motion carried unanimously.

- 4. CONSIDER AND ACT ON A 36-MONTH COLLATERAL AGREEMENT BETWEEN THE CITY OF ARANSAS PASS, PROSPERITY BANK AND THE FEDERAL HOME LOAN BANK OF DALLAS.

City Manager Sylvia Carrillo explained that while the City went out for bids on banking services, the Request for Proposal was not adequately advertised. The City is currently in a month-to-month commitment with Prosperity Bank and has asked the bank to continue with that agreement for one more month. City Manager Carrillo said the City has been without a bank since April and suggested that the council deny the 36-month collateral agreement to allow the City to rebid for banking services.

Council member Ellis made a motion to deny the 36-month collateral agreement between the City of Aransas Pass and Prosperity Bank and to authorize the City Manager to put out bids. Council member Gomez seconded the motion and the motion carried with Council member Abrego abstaining from the vote.

- 5. CONSIDER AND ACT ON LETTER OF SUPPORT/COMMITMENT BETWEEN THE CITY OF ARANSAS PASS AND DEL MAR COLLEGE.

City Manager Carrillo said that the City was partnering with Del Mar College to provide GED preparation, staff training, customer service training and other various types of training locally. In addition, Del Mar College is looking to place another location in the North Bay area. Aransas Pass would be in a prime location since the city sits in three different counties: San Patricio, Nueces and Aransas.

Council member Ellis made a motion to approve the letter of support/commitment between the City of Aransas Pass and Del Mar College. Council member Abrego seconded the motion and the motion carried unanimously.

6. **CONSIDER AND ACT ON RESOLUTION NO. 2013-701 – A RESOLUTION AUTHORIZING PARTICIPATION IN TEXPOOL AND DESIGNATING AUTHORIZED REPRESENTATIVES.**

City Manager Carrillo stated that the item was a regularly scheduled item and the signatures on the agreement needed to be updated given the release of the City's finance director. City Manager Carrillo and City Secretary Yvonne Stonebraker will be allowed signers for the City's TexPool agreement.

Council member Abrego made a motion to approve Resolution No. 2013-701 – A Resolution authorizing participation in TexPool and designating authorized representatives. Council member Gomez seconded the motion and the motion carried unanimously.

7. **CONSIDER AND ACT ON AN ORDINANCE AMENDING CAMPING WITH CITY OF ARANSAS PASS' PARKS.**

Police Chief Eric Blanchard explained that this was to update the current camping ordinance to include the flatlands across from the Dale Miller Bridge. A permit would have to be obtained if the patron was to camp over 72 hrs, not affecting weekend visitors and other similar campers. Historically, there was a problem with campers leaving trash and human waste in the area. Council member Abrego asked how many people on average were using the area as living space rather than temporary camping space. Police Chief Blanchard responded that he has made contact with around twenty people since he has begun patrolling the area. City Manager Carrillo explained that the rationale behind the permit requirement is that campers would have to notify how they would dispose of their waste and other necessary items.

Council member Ellis made a motion to approve an ordinance amending camping with City of Aransas Pass' Parks. Council member Gomez seconded the motion and the motion carried unanimously.

8. **CONSIDER AND ACT ON AN ORDINANCE AMENDING THE CITY OF ARANSAS PASS' CURFEW ORDINANCE.**

Police Chief Eric Blanchard stated that every three years, the City is required by law review and reinstate a curfew ordinance for minors. He also explained that since school has begun in the city, call volume has dropped for the Police Department. In one year, the Police Department has had seventeen contacts with minors in curfew violation. The curfew time is from 11:00 p.m. to 6:00 a.m. In addition, there will be a daytime curfew.

Council member Ellis made a motion to approve the ordinance amending the City of Aransas Pass' curfew ordinance. Council member Abrego seconded the motion and the motion carried unanimously.

9. **CONSIDER AND ACT ON AN ORDINANCE AMENDING THE CITY OF ARANSAS PASS PEDDLER PERMIT.**

Police Chief Blanchard commented that this was an item that receives many complaints. He also mentioned that it was unclear how peddlers obtain permission to sell their goods. Peddlers, solicitors and vendors will all be regulated by the ordinance. Any outsider who would come into the City with the intention to make a profit selling goods would have to pay a permit fee.

A one-month fee would cost \$35.00, a six-month fee would cost \$200.00 and a one-year fee would cost \$400.00, which is similar to other cities' rates across the area. Garage sales, lemonade stands, school sponsored fundraisers, religious organization fundraisers or Chamber of Commerce events would be excluded from the regulation. Police Chief Blanchard mentioned a recent event where residents were robbed by door-

to-door salesmen. However, because the solicitors were required to give their information to the City, they were able to find the person who stole the items.

Council member Abrego asked whether a church soliciting would have to have a place of worship in town. Police Chief Blanchard responded that the issue had not been discussed. He stated that there were different religious organizations from San Antonio and other large cities that solicit on the side of roadways. However, there are state ordinances that regulate that type of solicitation. City Manager Carrillo added that she would prefer all organizations register to solicit but waive fees for exempt groups.

Mayor Chapa asked whether the ordinance would regulate people who approach citizens at the post office or at gas stations for donations. City Manager Carrillo responded that the instance would be considered panhandling and if the council desired, staff would look into developing an ordinance regulating panhandling. Council member Abrego supported the idea.

Council member Abrego made a motion to amend the City of Aransas Pass' peddler permit. Council member Ellis seconded the motion and the motion carried unanimously.

10. **CONSIDER AND ACT ON AN ORDINANCE AMENDING THE CITY OF ARANSAS PASS JUNK ABANDONED AND UNCLAIMED PROPERTY.**

Mayor Pro Tem Phillip Hyatt arrived at 7:24 p.m.

Police Chief Blanchard stated that there are two sections in the City's Code of Ordinances that regulate either junk or abandoned property or junk vehicles. Currently, the City Code states we are adopting state law. However, state law states that the City should adopt its own regulations. The first section would allow an officer the authority to issue a citation to a person possessing a junk vehicle.

The second section codifies the junk vehicle rules, which begins the abatement process. If the person refuses to remove the junk vehicle, the City removes the vehicle and has it destroyed. Vehicle engines on properties would also be regulated. The current ordinance allows the Police Department to address abandoned vehicles, not junk vehicles. Twenty abandoned vehicles have been tagged and eight have continued on to the abatement process. Police Chief Blanchard said that the objective of the ordinance is to help beautify the community.

Council member Ellis made a motion to approve the ordinance amending the City of Aransas Pass junk abandoned and unclaimed property ordinance. Council member Hyatt seconded the motion and the motion carried unanimously.

11. **CONSIDER AND ACT ON REVISIONS TO THE CITY OF ARANSAS PASS' PERSONNEL POLICY.**

City Manager Carrillo explained that the City Personnel Policy was last modified in 2006. As part of reviewing the City's long-term liabilities, the Personnel Policy was one of the first items that needed to be addressed. The ordinance is meant to bring the City to a standard comparable to similar local cities and reduce the City's liabilities when it comes to paying out vacation and other accrued time.

Modifications to the policy include adding the definition of an intern, as well as changing the City's weapon ban as approved by council earlier in the year. A significant change included modifying the City's vacation and sick policy. Currently, staff accrues twelve vacation days and twelve sick days. The proposed change includes modifying the amount of vacation days to six business days and sick time to an accrual of 4 hours per month for all employees hired after revision approval. Maximum accrual hours would be changed to 360 hours as opposed to the current 720 hours.

Another significant change included the removal of payment of benefits to retirees. Currently, the City pays 50% of the retiree's health insurance until the retiree turns 65. Employees who were hired prior to the effective change would still be eligible for this benefit, resulting in a slow phase out of this type of retiree. City Manager Carrillo also explained that there were at least ten employees who had approximately 400 accrued vacation hours on record. Current policy states that vacation accrual time would be paid out at the employee's current rate not average rate. Proposed changes would allow employees to transfer accrued vacation time to the City's sick leave pool. The changes would put the City on a similar standard compared to other cities in the area.

Both Mayor Chapa and Council member Abrego commented that most private sector personnel policies have a "use it or lose it" policy for both sick and vacation time. City Manager Carrillo mentioned that the City had a similar policy that is set at 192 hours. Council member Abrego asked what would prevent some employees from taking vacation time. City Manager Carrillo responded that many departments were only one person deep and cross-training has not been a focus. Some departments have not allowed employees to take vacation time during, for example, financial statements or drainage events. It was a matter of creating redundancies within the department and encouraging employees to take available vacation time. Employees with a large amount of accrued time are being encouraged to take one day off a week until the accrued time is significantly reduced. City Manager Carrillo explained that there will essentially be three plans: one for employees hired before 2006, one for employees hired from 2006 to present, and one for employees hired after the adoption of the policy revisions.

Council member Ellis made a motion to approve the revisions to the City of Aransas Pass' Personnel Policy. Council member Abrego seconded the motion and the motion carried unanimously.

12. CONSIDER AND ACT ON APPOINTMENTS TO CITY OF ARANSAS PASS BOARDS AND COMMISSIONS.

City Manager Carrillo conducted an open vote for the Council to vote on City boards and commissions.

The first board to be voted on was the Aransas Pass Municipal Development District board. Applicants to the board included: Hope Comingore (reappointment), Karen Gayle (reappointment), Vickie Abrego (reappointment), Terry Stansberry (reappointment), Carol Salinas (new applicant) and Henrie Morales (new applicant). The spot currently occupied by Vickie Abrego is to be occupied by a council member. Council member Abrego said she would love to continue her tenure on the board but if another member was interested in the position, she would step down. None of the other council members responded therefore Council member Abrego will continue to hold the position. A tie occurred between Hope Comingore and Karen Gayle, resulting in council members casting tiebreaker votes between the two. Council votes were split in the second round; therefore Mayor Chapa cast the tiebreaking vote for Hope Comingore. New members appointed to the APMDD include: Henrie Morales, Carol Salinas, Vickie Abrego and Hope Comingore.

The second board to be voted on was the Aransas Pass Crime Control & Prevention District board. Applicants to the board included: Terry Stansberry (reappointment), Earl Buckmaster (reappointment), Robert Cohen (reappointment), Jay Attaway (reappointment) and Carol Salinas (new applicant). City Manager Carrillo stated that Mr. Cohen had exceeded his absences allowed so his reappointment would only result in his future removal from the board. New members appointed to the APCCPD board include: Terry Stansberry, Earl Buckmaster, Jay Attaway and Carol Salinas.

The third board to be voted on was the Planning and Zoning Commission. Applicants to the commission include: Randall Freeze (reappointment), Donald Brummett

(reappointment), Dan Moore (reappointment), Carol Salinas (new applicant) and Kathleen Sweatt (new applicant). Ramona Moreno chose not to reapply. New members appointed to the Planning and Zoning Commission includes: Randall Freeze, Donald Brummett, Dan Moore and Kathleen Sweatt.

The fourth board to be voted on was the Zoning Board of Adjustments. Applicants to the board included: Jay Attaway (reappointment), Donald Brummett (reappointment), Capt. Fred Comingore (reappointment), Jim Covington (reappointment), William (Billy) Ellis (reappointment), Kathleen Sweatt (new applicant), Henrie Morales (new applicant) and Armando Garza (new applicant). Council member Ellis removed his name from the list because of possible conflicts with being on the City Council. New members appointed to the Zoning Board of Adjustments include: Jay Attaway, Donald Brummett, Capt. Fred Comingore, Jim Covington and Kathleen Sweatt.

The fifth board to be voted on was the newly created Building Standards Board. Five spots are available on the board and only three people applied. The City still needs to solicit more applicants. City Manager Carrillo suggested passing on voting on the board.

The sixth board to be voted on was the Housing Authority Board. However, there was confusion over how many spots were up for reappointment. Mayor Chapa stated that the Housing Authority executive director Sylvia Gonzales said there were two spots open. Citizen Lupe Torres said that the Housing Authority Board could have between five and eleven spots, with one spot required for a resident commissioner. City Attorney Allen Lawrence advised that voting on this board would be passed until information was learned.

Council member Abrego made a motion to accept the appointments to City boards and commissions with the exception of the Building Standards Board and the Housing Authority Board. Council member Hyatt seconded the motion and the motion carried unanimously.

13. CONSIDER AND ACT ON APPROVAL OF OFFER TO PURCHASE TAX SALE PROPERTY:

A) SUIT NO.S-10-1153-TX; ARANSAS PASS INDEPENDENT SCHOOL DISTRICT, SAN PATRICIO COUNTY AND CITY OF ARANSAS PASS VS. A.A. TRIPP, JR., ET AL ACCT NO. 35567; LOT 4, BLOCK 261, AN ADDITION TO THE TOWN OF ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS, AS DESCRIBED IN VOLUME 242, PAGE 639, DEED RECORDS OF SAN PATRICIO COUNTY, TEXAS.

Council member Abrego made a motion to deny the offer to purchase tax sale property. Council member Ellis seconded the motion and the motion carried unanimously.

14. CONSIDER AND ACT ON SAN PATRICIO DRAINAGE DISTRICT PROJECT - \$215,611 FOR THE PURCHASE AND MAINTENANCE OF STORM WATER PUMPS AND RELATED EQUIPMENT TO PROVIDE FOR ADEQUATE FLOOD PROTECTION TO THE CITIZENS OF ARANSAS PASS.

City Manager Carrillo explained that funds of \$213,834 from the San Patricio Drainage District were going to be used to purchase storm water pumps and related equipment. If the purchase was to be approved, a budget amendment request item would be placed on the next city council meeting agenda to receive funds from the San Patricio Drainage District and expend the funds for the pumps.

Council member Ellis made a motion to approve the purchase and maintenance of storm water pumps and related equipment to provide for adequate flood protection to the

citizens of Aransas Pass. Council member Gomez seconded the motion and the motion carried unanimously.

15. **CITY MANAGER UPDATES: CONN BROWN HARBOR PARK UPDATES BY NAISMITH ENGINEERING; ALLEN SAMUELS PERMIT FEE REIMBURSEMENT; FIRE DEPT. USE OF BUILDING ON CONN BROWN HARBOR FOR HALLOWEEN'S HAUNTED HOUSE.**

David Underbrink of Naismith Engineering gave an update of all revised work with price amounts. The current contract held is priced at \$808,547.00. The amount of the change order requested is \$11,200.50, bringing the amount of the contract to \$819,747.50. Changes include reducing the number of light fixtures by one, reducing the wheel stops by fourteen, reducing the signs by four, adding the elevation and extension of bulkhead, relocating the fishing cleaning station and paving the parking lot.

This will leave \$5,200 in the Parks and Wildlife original grant budget. Underbrink explained that this grant was a 70%/30% arrangement, where the City would pay 30% of the financial obligation. If the City chose to use the remaining money available, he said making modifications to the drinking fountains at the restrooms would be necessary to be ADA compliant. With council direction, Underbrink said the change order and other items to close out the contract could be taken care of at the next council meeting.

Mayor Chapa and Council member Gomez expressed their concern with the quality of work performed at Conn Brown Harbor Park. Underbrink responded that the projects have been discussed since 2006 and have been delayed for several reasons. Among those reasons include permitting from the Corps of Engineers had to be completed twice and construction prices doubled while the amount of money offered stayed the same. Underbrink explained that there were several council meetings and workshops held in the summer of 2012 to discuss the master plan of the park. Priorities for the project were placing four boat ramps at the park and creating as much parking for boats and trailers as possible. Only one bid was received that was under budget. The project would not have been able to be complete with the next lowest bid. Underbrink remarked that the company tried to save money as best as they could and that the work completed looked better than what was previously there.

Next, City Manager Carrillo gave an update on the Allen Samuels permit fee refund. The initial permit was priced on the cost of total construction of \$5.5 million rather than the cost of the mechanics work. The company is due a refund of \$26,750.00. The council has already approved refunding the fees.

Thirdly, City Manager Carrillo gave an update about the Fire Department's annual Haunted House. This year, the Haunted House will be held on the Harbor in the building previously occupied by Robert Cohen. The event will be free but many people have given donations to the Fire Department.

16. **CITIZENS' COMMENTS.**

Mike Reeves of Republic Services spoke before the City Council to give an update on their services. He said the company was still working on a solution to resolve the City's roofing debris problem. The company is also in the process of replacing containers and dumpsters as part of a beautification process. Reeves advised if anyone was in dire need of a new container to get in touch with their customer service department. Also, cart repair and replacement has been outsourced to another company that had begun working that week.

Also Reeves wanted to make the Council aware of other services that Republic Services could assist the City with. For example, the company has a first responder team called the "Blue Crew" that assists municipalities with cleanup efforts after major weather events. In addition, Reeves reminded the Council of the contractual CPI increase that

was due that week. An early renewal of the contract between the City of Aransas Pass and Republic Services would remove the CPI increase.

Rosemary Vega of the Aransas Pass Chamber of Commerce reminded citizens that it was Homecoming Week for Aransas Pass ISD and encouraged them to participate in the parade. Vega also reminded them of the Wounded Warrior Car Show the next weekend.

17. RECESS OPEN MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE:

Mayor Chapa recessed the Open Meeting and retired to Executive Session at 8:27 p.m.

A) SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS

18. RECONVENE IN OPEN MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Mayor Chapa reconvened the Open Meeting at 8:40 p.m.

A) SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS

No action taken.

19. ADJOURNMENT OF MEETING.

Council Member Ellis made a motion to adjourn the meeting. Council Member Gomez seconded the motion and the motion carried unanimously.

Mayor Chapa adjourned the meeting at 8:55 P.M.

Adan Chapa, Mayor

Attest:

Yvonne Stonebraker, City Secretary